

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled Internet-Based Enhanced Radio the specification of which:

☒ is attached hereto.
☐ was filed on _____
as U.S. Application No. _____
or PCT International Application No. _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application, having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

| | | | | |
|-----------------------------|-----------------------------|-----------------------------|--------------------------|--------------------------|
| <u>NONE</u> | | | <input type="checkbox"/> | <input type="checkbox"/> |
| (Number) | (Country) | (Day/Month/Year filed) | Yes | No |
| <u> </u> | <u> </u> | <u> </u> | <input type="checkbox"/> | <input type="checkbox"/> |
| (Number) | (Country) | (Day/Month/Year filed) | Yes | No |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

60/180,581
(Application Number)

February 4, 2000
(Filing Date)

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

NONE
(Application Number)

(Filing Date)

(Status -- patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status -- patented, pending, abandoned)

POWER OF ATTORNEY: I hereby appoint the attorney(s) and/or agent(s) associated with the customer number 22830 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND ALL CORRESPONDENCE TO:

Morgan E. Malino
CARR & FERRELL LLP
2225 East Bayshore Road, Suite 200
Palo Alto, CA 94303
TEL: (650) 812-3400
FAX: (650) 812-3444

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Carl Hewitt

Inventor's signature: Carl C Hewitt Dated: 2/1/01

Residence: 5204 MERIDIAN AVE. Citizenship: U.S.A.

Post Office Address: _____

Full name of second inventor: Jonathan Fitch

Inventor's signature: Jonathan Fitch Dated: 2/1/01

Residence: 21921 McCLURE RD., CUPERTINO, CA. 95014 Citizenship: _____

Post Office Address: _____

Full name of third inventor: John Felt

Inventor's signature: John Felt Dated: 2/1/01

Residence: 3306 17 Mile Dr, Pebble Beach CA Citizenship: US

Post Office Address: P.O. Box 1010, Pebble Beach, CA
93953

Please type a plus sign (+) inside this box → ☐

PTO/SB/81 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it display a valid OMB control number.

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

| | |
|------------------------|---------------------|
| Application Number | unknown |
| Filing Date | February 5, 2001 |
| First Named Inventor | Carl Hewitt, et al. |
| Group Art Unit | unknown |
| Examiner Name | unknown |
| Attorney Docket Number | PA1341US |

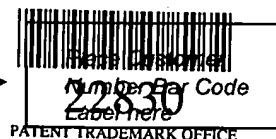
I hereby appoint:

☒ Practitioners at Customer Number

22830

OR

☐ Practitioner(s) named below:



| Name | Registration Number |
|------|---------------------|
| | |
| | |
| | |
| | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ Firm or
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name

Jonathan Fitch, Vice President and General Manager/Internet Radio

Signature

Jonathan Fitch

Date

2/1/01

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicants/Patent Owner: Carl Hewitt, Jonathan Fitch and John Felt

Application No./Patent No.: unknown Filed/Issue Date: February 5, 2001

Entitled: Internet-Based Enhanced Radio

3Com, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

2/1/01

Date

Jonathan Fitch
Signature

Jonathan Fitch

Typed or printed name

V.P. & Gen. Manager/Internet Radio Div.

Title

For: ☒ U.S. and/or ☒ Foreign Rights
For: ☒ U.S. Application or
 ☐ U.S. Provisional Application
For: ☐ U.S. Patent
For: ☐ PCT Application
By: ☒ Inventor(s) or ☐ Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS:

Carl Hewitt

FIRST NAMED INVENTOR

5204 MERIDIAN AVE.

Address

SAN JOSE, CA 95118Jonathan Fitch

SECOND NAMED INVENTOR

21921 MCCLELLAN RD

Address

LUPERTINO, CA. 95014John Felt

THIRD NAMED INVENTOR

John Felt
Address3306 17 Mile Dr, Pebble Beach
Ca 93953

hereby sell, assign and transfer to

ASSIGNEE:

3Com Corporation

ASSIGNEE

5400 Bayfront Plaza, M/S 1308

Address

Santa Clara, CA 95052U.S.A.

and the successors, assigns and legal representatives of the ASSIGNEE

(complete one of the following)

☒ the entire right, title and interest
☐ an undivided _____ percent (_____ %) interest
for the United States and its territorial possessions

☒ and in all foreign countries, including all rights to claim priority,
in and to any and all improvements which are disclosed in the invention entitled:
Internet-Based Enhanced Radio

Name of inventor(s) Carl Hewitt, Jonathan Fitch, and John Felt

and which is found in (37 C.F.R. § 3.21)

- (a) ☒ U.S. patent application executed on even date herewith
(b) ☐ U.S. patent application executed on _____
(c) ☐ U.S. provisional application naming the above inventor(s) for the above-entitled invention.

☐ Express mail label no.: _____
Mailed: _____

(d) ☐ U.S. provisional application no. _____
filed on _____

(e) ☐ International application no. PCT/ _____ / _____

(f) ☐ U.S. patent no. _____ issued _____

☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(g) ☐ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

Date: 2/1/00

Carl C Hewitt
Signature of Carl Hewitt

Date: 2/1/01

Jonathan Fitch
Signature of Jonathan Fitch

Date: 2/1/01

John Felt
Signature of John Felt

PA1341US

PATENT

For: ☒ U.S. and/or ☒ Foreign Rights
For: ☒ U.S. Application or
 ☐ U.S. Provisional Application
For: ☐ U.S. Patent
For: ☐ PCT Application
By: ☒ Inventor(s) or ☐ Present Owner

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U.S.A.

and the successors, assigns and legal representatives of the ASSIGNEE

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(e) ☐ International application no. PCT/ _____ / _____

(f) ☐ U.S. patent no. _____ issued _____

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Date: 2/1/01

Carl C Hewitt
Signature of Carl Hewitt

Date: 2/1/01

Jonathan Fitch
Signature of Jonathan Fitch

Date: 2/1/01

John Felt
Signature of John Felt